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AMNESTY INTERNATIONAL STATEMENT ON EAST TIMOR TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

Amnesty International continues to be gravely concerned at the situation of human rights in East Timor. In a statement before this Committee in September 1983, Amnesty International noted with concern that, since the invasion of East Timor in December 1975, Indonesian forces in the territory had systematically and persistently engaged in cruel and brutal conduct constituting serious violations of human rights. At that time Amnesty International noted that it had received over a period of several years reports from a variety of sources of gross violations of human rights in East Timor: of the "disappearance" and summary or arbitrary execution of non-combatants; of the torture and ill-treatment of persons taken into the custody of Indonesian forces, including their detention in cruel and inhuman conditions; and of the imprisonment without charge or trial of persons often held on suspicion of opposition to the Indonesian occupation. Moreover, an army manual containing guidelines issued by the Indonesian Military Command in East Timor, a copy of which had come into Amnesty International's possession, provided direct evidence that these violations had been officially condoned.

Since September 1983, further such arrests, killings and "disappearances" are reported to have taken place. In the past year, the Indonesian authorities have also brought to trial a number of East Timorese charged with offences of a political nature. However, in view of the reports indicating that Indonesian forces in East Timor have continued to operate outside the framework of the law and of information casting doubt on the fairness and impartiality of the trial proceedings themselves, Amnesty International does not regard this development as marking a significant change in the human rights situation in the territory. Moreover, while Indonesian officials have denied outright the authenticity of the military manual, the Government has produced no evidence to substantiate such a claim in the year since the manual was made

publicly available. Furthermore, to Amnesty International's knowledge the Indonesian authorities have not taken steps to countermand standing policies which condone torture and extrajudicial killings, nor have they instituted or enforced safeguards which might prevent the recurrence of these violations. Satisfactory investigations have not been conducted into any of the incidents Amnesty International has reported to the United Nations, nor has the organization received any substantive response to its inquiries about "disappearances" and extrajudicial executions.

In August 1983 a ceasefire established in March of that year between Indonesian and Fretilin forces broke down and substantially increased numbers of Indonesian troops were deployed in the territory as part of an offensive aimed at finally eliminating Fretilin as a fighting force. At the time Amnesty International noted with concern that in the past in East Timor arrests, "disappearances" and arbitrary killings had been associated with increased military activity and expressed the fear that this latest offensive might lead to further violations of the human rights of the people of East Timor.

Amnesty International has received several reports of arbitrary killings of non-combatants in connection with the offensive. One report received from several mutually independent sources alleged that as many as 200 persons in the village of Kraras, Viqueque, were killed by Indonesian troops soon after the killing of 16 Indonesian soldiers on 8 August 1983. Amnesty International has received more recent reports of killings of persons taken into the custody of Indonesian forces. Such killings are reported to have occurred in places throughout the territory. Thus Amnesty International has received information that:

- approximately 100 men living in the vicinity of the village of Hauba near Bobonaro in the West of the territory were taken into custody and killed by Indonesian troops in March 1984;

- further East in the vicinity of the village of Hato Udo near Ainaro several persons are reported to have been killed by Indonesian troops on suspicion of having links with Fretilin including supplying the latter with food; on the basis of such suspicions, a 42-year-old man named Manuel was reportedly killed on 19 March 1984 and one named

Nuno was killed on 29 March. A group of four persons, comprising two brothers, Moises and Lourenco Araujo, Joao Xavier and one Oscar, were reportedly executed on 29 May 1984 for having allegedly had contact with Fretilin;

- in Baucau in the East of the territory three men, Tomas da Silva, Jacinto da Silva and Vicente Freitas, were reportedly taken by Indonesian troops from their village, Bucoli, to district headquarters in the town of Baucau on 30 May 1984, again on suspicion of having had contact with Fretilin. They were reportedly killed by Indonesian soldiers that same night.

In view of the evidence now available that Indonesian forces have since the first days of the invasion of the territory persistently resorted to killing arbitrarily Timorese not engaged in armed combat, it is urgent that full investigations of both recent and earlier reports be conducted under conditions allowing sufficient scrutiny by outside observers to create confidence in their conduct.

Amnesty International also understands that several hundred persons have been arrested in East Timor since August 1983, particularly in the areas of Dili, Baucau and Viqueque. A substantial number of these persons are reported to have simply "disappeared". Amnesty International has submitted lists of such persons to the Indonesian Government with the request that steps be taken to establish their fate or whereabouts but has received no reply to these requests. The organization fears, on the basis of its own inquiries, that some of those persons were executed after being taken into custody or died as a result of torture. Others are reported to have been sent to places of detention outside East Timor proper, to Bali or to the island of Atauro offshore mainland East Timor, where they are held without charge or trial. Some are understood to have been brought to trial since December 1983 under a new policy described by the Indonesian-appointed Governor of East Timor as intended to bring to trial all persons now in detention. Amnesty International has been informed by the Indonesian Government that 23 persons had been brought to trial as of the end of March 1984, that these persons had, with the exception of one person who received a two-month sentence, received sentences of between six and 17 years on charges under articles of the Indonesian Criminal Code covering offences against the State, and that 200

other cases were scheduled to be prosecuted in the civil Dili District Court. Amnesty International is concerned about several aspects of these trials. Information reaching the organization indicates that while the trials may in principle be open to the public, no public announcement about them has been made in East Timor. There is general ignorance about their conduct and even relatives of the defendants have not been able to attend the trials. There are also grounds for concern that the defendants may not have been provided with proper legal counsel of their own choosing and that they may not have had adequate time and facilities for the preparation of their defence.

Amnesty International is also concerned that the atmosphere prevailing in the territory is not conducive to the holding of fair trials. Thus, even as trials have been taking place in Dili, as already noted there have been continuing reports of extrajudicial executions and "disappearances". While 23 persons had been brought to trial as of the end of March 1984, substantially larger numbers are believed to have been killed or to have "disappeared" in the period since August 1983. The pattern of human rights violations established over several years remains substantially the same. Indeed, it is understood that the whereabouts of the 23 persons brought to trial as of the end of March 1984 have not even been made known to their relatives. Amnesty International has received information that these persons may be in detention on Bali, in Jakarta or elsewhere.

Amnesty International received information from the Indonesian Government about the trials in East Timor in a letter responding to a request from Amnesty International to send a delegation to observe them. In that letter the Indonesian Government stated that it did not see any cause for Amnesty International to send a delegation to observe the trials which were, in the words of the letter, "essentially a matter of domestic jurisdiction". Amnesty International regretted the refusal of the Government to grant access to international trial observers since it believes that any trials must be in conformity with international legal standards for fair trials, as set out, for example, in article 14 of the International Covenant on Civil and Political Rights, and in particular that such trials must be public and open to international observers in order that their conformity with such standards can be ascertained.

In its statements on East Timor Amnesty International has continually stressed that its information cannot be regarded as complete because of limited access to the territory and the tight controls placed on the flow of information out of it. Amnesty International believes that access to the territory by international bodies should be facilitated, and the organization is concerned at the difficulties faced by international organizations, most particularly the International Committee of the Red Cross (ICRC), in gaining such access.

Despite the difficulties in gaining access to information about the situation of human rights, the reports received by Amnesty International in the past year from a number of sources have given rise to deep concern at the situation of human rights in East Timor. Moreover, the response of the Indonesian Government to inquiries about this situation and its failure to take corrective action are to be regretted. Amnesty International believes that continuing active and public consideration by the General Assembly and its Special Committee on Decolonization of the question of East Timor is essential if the human rights of the people of East Timor are to be respected.

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